



California Victim Compensation Program



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VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
VICTIM COMPENSATION PROGRAM REGULATIONS
Title 2, §§ 649 - 649.32

[Notice Published March 18, 2011]

The Victim Compensation and Government Claims Board (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has scheduled a public hearing on this proposed action to be held from 10:00 a.m. to 12:00 p.m. on Thursday, May 5, 2011, at 400 R Street Sacramento, California 95812 in the Sacramento River Room on the first floor.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on May 2, 2011. The Board will consider only comments received at the Board's office by that time or physically submitted at the public hearing. Submit written comments by mail to:

Geoff Feusahrens, Regulations Analyst
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 11400.20, 13920 and 13974 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret and make specific Government Code section 13957.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Victim Compensation and Government Claims Board implements the Victim Compensation Program (VCP). The rulemaking action proposes the following changes to VCP regulations.

This rulemaking action implements the following changes:

- Creates a maximum program benefit of \$63,000 for each victim or derivative victim, down from \$70,000;
- Implements changes for verifying income or support loss including requiring documentation from the California Franchise Tax Board and clarifying that income or support loss will only be compensated if the victim was employed at the time of the qualifying crime;
- Adopts a maximum benefit of \$30,000 for the purchase, renovation and/or retrofitting of a vehicle;
- Adopts a regulation to implement the verification of attorney's fees and provide specific language as to what attorney's fees will be paid and at what rate those fees will be paid at;
- Implements a maximum benefit of \$5,000 for funeral and burial expenses and excludes payment for the cost of food and beverages as well as the cost for renting equipment and supplies such as tables and chairs.

These proposed regulations are necessary to guard against fraud and to protect the solvency of the Restitution Fund. Unless VCP expenditures are altered as proposed in this rulemaking record, the Fund is in danger of insolvency in the immediate future.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private individual or business:

Under the proposed regulatory action, victims of crime who qualify for benefits under CalVCP will experience the following cost impacts:

- They can receive up to a maximum of \$63,000 in total benefits, rather than the current limit of \$70,000.

- They can receive up to \$5,000 in funeral and burial expense benefits, rather than the current limit of \$7,500.
- Food and beverages will no longer be reimbursed as part of funeral burial expenses.
- They can receive up to \$30,000 in benefits for vehicle purchase, renovation, and retrofitting, rather than the current limit of \$70,000.

There is no direct cost impact to businesses.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations do not affect small businesses because the regulations only apply to individuals who apply to the VCP.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals than the proposed action.

The Board invites interested individuals to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person for these inquiries is:

Jennifer Chmura
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3605

Please direct requests for copies of the proposed regulation text, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Geoff Feusahrens at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking Action, the Initial Statement of Reasons and the proposed regulation text in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

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